

CITY OF DELTA, UTAH
PLANNING & ZONING COMMISSION
DECEMBER 20, 2011

PRESENT

Vance Bishop
Linda Beard
Rand Crafts
Steven Pratt
Linda Sorensen
Tom Stephenson
Roger Zeeman

Chairman
Commission Member
Commission Member
Commission Member
Commission Member
Council Representative
Commission Member

ABSENT

Alan Johnson

Commission Member

ALSO PRESENT

Alan Riding
Ken Clark
Karen Johnson
Todd Anderson
James Dix
Dian McGuire
Wendy Hansen
Scott Johnson
Ciaran Lovell
Cassidy Turner

Zoning Officer
Assistant Zoning Officer
P&Z Secretary
City Attorney
Reptile Rescue Service
Utah Dept. of Transportation
Utah Dept. Of Transportation Consultant
City Resident

Chairman Bishop called the meeting to order at 7:00 p.m. He stated that notice of the meeting time, date and agenda had been posted at the City Building and on the Utah Public Notice website, and had been provided to the Millard County Chronicle/Progress and to each member of the Planning & Zoning Commission at least two days prior to the meeting.

BUSINESS

JAMES DIX, REPTILE RESCUE SERVICES: REQUEST FOR CONDITIONAL USE PERMIT TO OPERATE REPTILE RESCUE SERVICE ON PROPERTY LOCATED AT APPROXIMATELY 696 NORTH HIGHWAY 6

Chairman Bishop noted that this matter had previously been discussed at the meeting held on December 8th, at which time it was determined that the matter would be set for further review at this time. Since the previous meeting, City Attorney Todd Anderson has prepared a draft Conditional Use

Permit for Reptile Rescue Service for review and discussion at this time.

Chairman Bishop asked Mr. Dix if he had any concerns or issues with the draft Conditional Use Permit prepared by City Attorney Anderson. Mr. Dix referred to paragraph 8.c. on page 3 which requires that all cages be constructed by a licensed contractor who would provide certification that the cages were constructed in accordance with approved plans and all state and federal caging requirements. Mr. Dix stated that there are no written requirements for construction of cages. He builds cages according to the size requirements of the animal to be housed in the cage. He has constructed his own cages for over eighteen years and has never had an animal escape from a cage. Mr. Dix explained construction and fencing of cages and pens he uses to house the animals. Outdoor pens for coyotes and large animals are professionally constructed by vendors such as United Fence. Pens are constructed on concrete slabs, surrounded by another fence and are locked.

Commission Member Linda Sorensen asked what security would be available to protect animals from vandals or persons who might try to harm animals. Mr. Dix stated that he has dogs on site which roam the fenced in area to alert the caretaker of anyone being in the vicinity of the animals. They also plan to install security lighting around the property. Commission Member Sorensen asked if there would be warning signs on the exterior fences. Mr. Dix said they will have warning signs advising that there are dogs on the property but they do not want to advertise the exotic animals they house for fear that would entice people to the property. Mr. Dix is also considering installation of corrugated metal panels on the chain link fencing to protect animals from being seen from outside of the facility. There will be warning signs on the room which houses the venomous snakes, as well as on the door to the room.

Mr. Dix noticed that one of the proposed conditions is that he maintain his wildlife licenses and stated that licensing is only required on prohibited and endangered species but he renews his state licensing on an annual basis. Any species that can be purchased at a pet store is not regulated unless the city has an ordinance pertaining to a particular species.

Mr. Dix has a veterinarian who comes to his shelter twice each year to check all animals. In addition, any sick or injured animal that they pick up is taken to the veterinarian prior to being placed in their facility.

Mr. Dix was asked if he will be breeding animals to feed the snakes. He responded that he does breed some rodents but he has outside breeders in Juab County, in Idaho and in Wyoming.

City Attorney Todd Anderson stated that he had been advised that Reptile Rescue Service has been attempting to find liability insurance for the company but the only insurers that would provide coverage were cost prohibitive. City Attorney Anderson advised Commission Members that they are in a position of making a policy decision as to whether to require the insurance or to remove that condition from the final permit. City Attorney Anderson noted that the purpose of the liability insurance would be to protect the public rather than protecting Delta City. Chairman Vance Bishop

asked if anti-venin is typically stocked in hospitals. Mr. Dix said that hospitals do stock anti-venin and he does not have any species for which anti-venin is unavailable. If they were to bring in a species for which the anti-venin is not stocked, he would also have to bring in the anti-venin for that species.

Commission Member Rand Crafts asked if Mr. Dix had insurance on his business in Salt Lake. Mr. Dix stated that the business has operated out of his home in Salt Lake so he was not required to have insurance. City Attorney Anderson asked Zoning Officer Alan Riding what restrictions there is for living quarters in a commercial zone. Zoning Officer Riding stated that Delta City zoning requires a conditional use permit for a residence in a commercial zone. We have currently have several residences located on the upper floor of commercial buildings. Zoning Officer Riding recommended that, if the Commission grants the conditional use permit, that they also include the on-premise residence in the permit, but stipulate that the residence could not become a rental. Chairman Bishop and Zoning Officer Riding agreed that the business should have a 24-hour caretaker living on site. Mr. Dix stated that he does provide 24-hour coverage at the business because he frequently holds court evidence and is responsible for taking care of that evidence,

Mr. Dix asked about paragraph 6.a. on page 3 regarding animals not being tethered, leased, chained outdoors or allowed to run at large. He said the same requirement is in his agreement with Salt Lake County so that, in the event of animal abuse, they could enforce the ordinance. Mr. Dix does have one dog that is kept on a steel braided cable because he will fight with another male dog so they need to keep them separated. The dog is well cared for and has shelter but must remain on the cable. Mr. Dix said he had no problem with the requirement being in the agreement but wanted everyone to know, up front, of the situation with this one dog.

Mr. Dix was in agreement with other conditions of the permit but noted that, he and the people who work with him are the most likely to be bitten by one of the snakes. Most of them have been bitten on the hand but they do not report it because it is in-house and no one has been injured to the degree that they needed hospital attention.

Commission Member Sorensen asked if Mr. Dix rehabilitates and releases rattlesnakes that are native to Utah. Mr. Dix said that he does pick up to remove and/or rehabilitate rattlesnakes that are ultimately released but he also has some that are permanent residents which are used for training and educational purposes.

Chairman Bishop asked if there were any zoological standards for construction of cages. Mr. Dix explained that the venomous snakes will be housed in cages inside a separate room inside the building. The venomous room will have windows on three sides for viewing and a double locked door on the back of the room for caretaker use.

Commission Member Roger Zeeman MOVED to amend paragraph 8.c. on page 3 to state that all cages shall be constructed in accordance with all state and federal caging requirements. It was

determined that there are really no state regulations for cages but Mr. Dix constructs his cages in the same manner as those used by the zoo and all the cages will be transported to the Delta location. Chairman Bishop noted that Commission Member Roger Zeeman had made a motion. Commission Member Zeeman withdrew his motion, stating that it could be included in the motion to amend and accept conditions proposed by City Attorney Anderson.

Council Representative Tom Stephenson questioned what liability the City would have if a person were to be bitten by a snake at the facility. Mr. Dix noted that, if an animal escaped its cage, it would be loose inside the building, not outside the facility, but he has not had an animal escape in eighteen years. Outside animals are surrounded by multiple fences but, in the event one of them got out of its cage, the dog would alert the caretaker. The snakes that are used for educational and training purposes are snakes that are used repeatedly for that purpose and no one but the handler is allowed to hold the head. Others are allowed to touch the tail but the head is held so that the only person in danger of being bitten is the Reptile Rescue Service worker. The facility, itself, is very low risk for someone other than Reptile Rescue personnel from being bitten.

Commission Member Linda Beard asked what kind of waivers his volunteers sign. He stated that those who assist at the facility sign waivers that Reptile Rescue is not responsible if they are bitten. To day, no one has received a bite severe enough to require hospitalization. Everyone who works at the facility is required to follow strict guidelines or they are no longer allowed to be at the facility.

Mr. Dix said that, when people go outside the building to look at the coyotes, racoons, etc., Reptile Rescue personnel will be with them to make sure no harm is done to any of the animals. People will not be allowed to view the animals without supervision, either inside or outside the building.

Chairman Bishop asked if Commission Members were agreeable to deleting the provision in the draft conditional use permit requiring liability insurance coverage. All Commission Members agreed to delete that paragraph.

Commission Member Rand Crafts suggested that annual renewals are problematic in most businesses and recommended that, for the first year of the Conditional Use Permit, we require review of the permit but, because we have language included that outlines terms of revocation, we extend the term of the permit and rely on the zoning officer to determine whether it should be revoked. Chairman Bishop agreed that we need to review the permit at the end of the first year and, if Commission Members are comfortable with the way the business is operating, renew the permit for a longer period of time. Commission Member Crafts suggested that language be added to the list of reasons for revocation to include a requirement that the stated licenses are current and the Comprehensive Emergency Plan and Animal Shelter Plan are kept current.

Commission Member Steven Pratt stated that the Planning Commission is granting a conditional use permit but there are other laws, such as obtaining a building permit for changes to the structure, which will also need to be followed.

Chairman Bishop asked if there were any comments from the public who were in attendance. There were no comments from the public.

Commission Member Rand Crafts asked City Attorney Anderson to read the changes that had been made to the proposed conditional use permit. City Attorney Anderson advised Commission Members that language requiring construction and certification of the cages be done by a licensed contractor will be removed from paragraph 8.c.; paragraph 16, which required liability insurance coverage will be deleted, in its entirety; and, language will be included in paragraph 9 to specify that the permit includes a conditional use for residential use of the property.

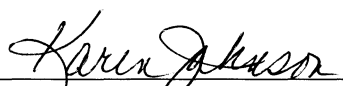
Commission Member Rand Crafts MOVED to grant a conditional use permit to James S. Dix, of Reptile Rescue Service, to operate his business on premises located at approximately 696 North Highway 6, with the conditions as stated, and herein amended, in the draft Conditional Use Permit provided by City Attorney Todd Anderson. The motion was SECONDED by Commission Member Roger Zeeman. Chairman Bishop asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed with Commission Members Linda Beard, Rand Crafts, Steven Pratt, Linda Sorensen, TomStephenson, and Roger Zeeman voting in favor and Commission Member Alan Johnson being absent.

City Attorney Todd Anderson will prepare the Conditional Use Permit for Chairman Bishop's signature.

Commission Member Linda Sorensen MOVED to adjourn the meeting. The motion was SECONDED by Commission Member Roger Zeeman. Chairman Bishop asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed with Commission Members Linda Beard, Rand Crafts, Steven Pratt, Linda Sorensen, TomStephenson, and Roger Zeeman voting in favor and Commission Member Alan Johnson being absent.

Chairman Bishop declared the meeting adjourned at 8:25 p.m.


VANCE BISHOP, Chairman


Karen Johnson, P&Z Secretary

MINUTES APPROVED: P&Z 01-12-12